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STATE OF NEW YORK : NASSAU COUNTY
COUNTY COURT : PART VI

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

INDICTMENT NO. ...
1957N/05

CRAIG BUONARA,

Defendant.

262 Old Country Road
Mineola, N.Y. 11501

November 17, 2005

MINUTES OF PLEA

B E F O R E: HON. JEFFREY S. BROWN
County Court Judge

A P P E A R A N C E S:

HON. DENIS DILLON
District Attorney of Nassau County
BY: JAMES CLARKE, ESQ.,
Assistant District Attorney,
Of Counsel, for the People

LAWRENCE J. WEINGARD, ESQ.
Attorney for the Defendant
1600 Stewart Avenue
Garden City, New York 11530

NASSAU COUNTY

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Cindy Kaye-Fink
Official Court Reporter

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1 THE CLERK: Indictment number 1957N of 2005,
2 Craig Buonara. Counsels, give your appearances, please.

3 MR. WEINGARD: Lawrence Jeffrey Weingard, 1600
4 Stewart Avenue, Garden City, New York.

5 MR. CLARKE: James Clarke, for the People.

6 THE CLERK: Are you Craig Buonara?

7 THE DEFENDANT: Yes.

8 THE CLERK: People's application.

9 MR. CLARKE: People's application with regard
10 to the defendant, Craig Buonara, defendant is charged
11 under indictment number 1957N of '05 with one count of

12 perjury in the first degree, a Class D felony, under
13 Penal Law section 210.15. With the Court's permission,
14 the People would allow the defendant to plead guilty to
15 perjury in the third degree, a Class A misdemeanor,
16 under Penal Law section 210.05, in satisfaction of the
17 indictment.

18 Your Honor, this is contingent on the
19 defendant waiving his right to appeal all aspects of the
20 case, including the plea and sentence.

21 MR. WEINGARD: Your Honor, at this time we
22 respectfully move to withdraw our previously entered
23 plea of not guilty to the indictment and we offer to
24 plead guilty to the Class A misdemeanor of perjury in
25 the third degree, a violation of section 210.05, and we

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1 will waive our right to appeal.

2 THE COURT: You join in the People's
3 application?

4 MR. WEINGARD: That's correct.

5 (Whereupon the defendant is duly sworn by the
6 clerk of the court.)

7 THE COURT: Now, Mr. Buonara, have you
8 completely discussed the facts of this case with your
9 attorney, Mr. Weingard?

10 THE DEFENDANT: Yes.

11 THE COURT: During the course of my
12 questioning, you have the right to stop me and ask me or
13 your attorney any questions. Do you understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: How old are you?

16 THE DEFENDANT: Thirty-five.

17 THE COURT: Do you read and write English?

18 THE DEFENDANT: Yes.

19 THE COURT: Are you a citizen of the United
20 States?

21 THE DEFENDANT: Yes.

22 THE COURT: What's the highest grade you
23 completed in school?

24 THE DEFENDANT: Bachelors in business
25 administration.

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1 THE COURT: Do you feel in good physical and
2 mental condition as you stand here today?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you taken any alcohol or
5 drugs in the last 24 hours?

6 THE DEFENDANT: No.

7 THE COURT: Have you ever been treated or
8 confined to a hospital for any mental illness?

9 THE DEFENDANT: No.

10 THE COURT: Have you had enough time to speak
11 with your attorney before pleading guilty today?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you satisfied with the manner
14 in which he's represented you?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand that if this
17 case should go to trial, you are entitled to certain
18 constitutional rights, one of which is the right to a
19 trial by jury with the assistance of your attorney and
20 the district attorney would have to prove your guilt by
21 proof beyond a reasonable doubt? That's the standard of
22 proof. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you also understand that you
25 have a right to listen to the witnesses against you and

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1 have your attorney cross-examine those witnesses?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that you do not
4 have to take the stand and testify; however, you have
5 the right to bring in your own witnesses to testify in
6 your behalf?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that by pleading
9 guilty, you give up those rights?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you understand that a plea of
12 guilty is the same as a conviction after trial?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Has anyone threatened you or in
15 any way tried to force you to plead guilty today?

16 THE DEFENDANT: No, your Honor.

17 THE COURT: Do you understand that you have a
18 right to appeal to a higher Court after sentence for a
19 review of what has taken place in this case and the
20 district attorney is asking you to give up that right
21 and waive your right to appeal as a condition of this
22 plea? Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Have you discussed with your
25 attorney the waiver or giving up of your right to

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1. appeal?

2 THE DEFENDANT: Yes.

3 THE COURT: Has anyone made any threat to
4 force you to give up your right to appeal?

5 THE DEFENDANT: No.

6 THE COURT: Are you voluntarily, of your own
7 free will, giving up your right to appeal?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand that by giving
10 up your right to appeal, no higher Court can review
11 what's happened in this case?

12 THE DEFENDANT: Yes..

13 THE COURT: Are you presently on probation or
14 parole?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Now, under indictment number 1957N
17 of 2005, there is one count, perjury in the first
18 degree, that is a Class D felony with a maximum term of
19 imprisonment of seven years in jail. Do you understand
20 the original charge that you face in this indictment?

21 THE DEFENDANT: Yes.

22 ~~NASSAU COUNTY~~ THE COURT: Now, for plea, the district
23 ~~000309~~ attorney has offered to allow you to plead guilty to
24 perjury in the third degree, a Class A misdemeanor.
25 Maximum term imprisonment for that crime is one year in

1 jail. Do you understand the plea offer?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Is there a sentence recommendation
4 by the People?

5 MR. CLARKE: No, your Honor.

6 THE COURT: Mr. Buonara, I've had a conference
7 with your attorney and with the district attorney, and
8 based on that conference, I make a commitment and
9 promise to you that the maximum sentence you will
10 receive is as follows: I will sentence you to
11 three years probation, with a special condition of
12 therapy, as directed by the Probation Department.

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand my commitment
15 and promise as to your sentence?

16 THE DEFENDANT: Yes.

17 THE COURT: District attorney aware of the
18 Court's commitment and prepared to proceed with this
19 disposition?

20 MR. CLARKE: Yes.

21 THE COURT: Other than the promise I made to
22 you, has anyone made a different promise to you?

23 THE DEFENDANT: No.

24 THE COURT: I'm going to order what we call a
25 probation report or a presentence report, and should

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1 this report come back and recommend more jail time or
2 for any reason after reviewing this report I cannot or
3 choose not to honor my promise and commitment as to your
4 sentence, I will give you permission to take your plea
5 back as if nothing has happened and you can proceed to
6 trial. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: I also want to advise you that if
9 you fail to appear for sentence or you get arrested for
10 a new crime between now and the date of sentence, my
11 commitment as to your sentence is off, which means I am
12 not bound by my commitment and I can sentence you to
13 anything up to the maximum term of imprisonment for what
14 you are pleading guilty to today. Do you understand
15 that?

16 THE DEFENDANT: Yes.

17 THE COURT: I also advise you, if you fail to
18 appear and on the date of sentence, we will proceed in
19 your absence; do you understand?

20 THE DEFENDANT: Yes.

21 THE COURT: Now, on March the 17th, 2005, did
22 you appear before the Nassau County grand jury in your
23 capacity as a police officer?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And you were sworn in to give

1 testimony for the grand jury of Nassau County on that
2 date?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: That's located at 262 Old Country
5 Road in Mineola, County of Nassau, State of New York?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, you testified in the grand
8 jury, in front of the grand jury, that you heard a
9 clunk?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: While chasing a perpetrator; is
12 that correct?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And you saw a gun and you stood by
15 this gun until you were relieved by another officer; is
16 that correct?

17 THE DEFENDANT: Yes.

18 THE COURT: You intentionally made this
19 statement knowing it to be false; is that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Any additional questions by the

22 Peo. **NASSAU COUNTY**

23 **0000402** MR. WEINGARD: No -- I'm sorry, I thought you
24 were asking me if I had any thoughts.

25 THE COURT: People?

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1 MR. CLARKE: I would like to inquire what
2 portion of the statement was false.

3 THE COURT: Certainly.

4 MR. CLARKE: Mr. Buonara, the statement that
5 the judge described to you with your grand jury
6 testimony, what portion of that statement is false?

7 THE DEFENDANT: The entire statement was
8 false.

9 MR. WEINGARD: I'm sorry?

10 THE COURT: Entire statement was false.

11 MR. CLARKE: Did you make that statement
12 falsely intentionally?

13 THE DEFENDANT: At the time, yes.

14 MR. CLARKE: Thank you, your Honor, People are
15 satisfied.

16 THE COURT: Are you prepared to plead guilty
17 at this time, Mr. Buonara?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Everything you told me today has
20 been under oath. Is everything you told me today the
21 truth?

22 ~~NASSAU COUNTY~~ THE DEFENDANT: Yes.

23 000403 THE COURT: The Court is satisfied defendant
24 understands the nature of the charges, the nature of the
25 plea, as well as the possible consequences of his plea.

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1 He has discussed his legal rights with his attorney.
2 Defendant understands he is waiving his constitutional
3 rights and this plea is voluntary and of his own free
4 will. The Court is further satisfied defendant
5 acknowledges his guilt. The Court believes it is in the
6 interests of justice to accept the plea from this
7 defendant. The clerk is directed to take the plea.

8 THE CLERK: Craig Buonara, do you now wish to
9 withdraw your previously entered plea of not guilty and
10 enter a plea of guilty to perjury in the third degree,
11 in full satisfaction of indictment 1957N of 2005?

12 THE DEFENDANT: Yes.

13 THE CLERK: How do you plead; guilty or not
14 guilty?

15 THE DEFENDANT: I plead guilty, sir.

16 THE COURT: Mr. Weingard, January date for
17 sentence?

18 MR. WEINGARD: Yes, please, Judge. May we go
19 off the record?

20 THE COURT: Yes. Counsel, approach.

21 (A discussion was held off the record.)

22 THE COURT: Mr. Weingard, January 17th, 2006
23 is a good date for you?

24 MR. WEINGARD: That's fine.

25 THE COURT: Mr. Clarke?

1 MR.. CLARKE: Yes, thank you, your Honor.

2 THE CLERK: Your case is adjourned to January
3 17th. If you do not appear, your bail will be
4 forfeited, a bench warrant issued for your arrest, and
5 the case will proceed in your absence; do you
6 understand?

7 THE DEFENDANT: Yes.

8 THE CLERK: Let the record reflect, I am
9 handing the defendant a copy of the presentence
10 investigation for a presentence report. Report to
11 probation today.

12 MR. WEINGARD: Thank you.

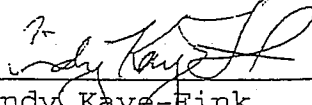
13 * * *

14 I, Cindy Kaye-Fink, Official Court Reporter, hereby
15 certify that the foregoing is a true and correct transcript
16 of the within proceedings.

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Cindy Kaye-Fink
Official Court Reporter

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